



State of New Hampshire  
DEPARTMENT OF ENVIRONMENTAL SERVICES

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095  
(603) 271-3503 FAX (603) 271-2982



**LETTER OF DEFICIENCY  
WET 2002-24**

August 07, 2002

Mr. Larry Snider  
Windover Condo Assoc  
94 Lucerne Ave #6  
Laconia, NH 03246

RE DES Wetlands File #1997-00317 Lucerne Ave, Laconia

Dear Mr. Snider

On July 10, 2000, personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on Town of Laconia Tax Map 82 as Lot 8 (the "Property"). The purpose of the inspection was to determine compliance with RSA 482-A and NH Code of Admin. Rules Wt 100-700.

During the inspection, and further file review, the following was documented

On September 13, 1996, DES issued permit #95-00315 to reconfigure fingers and cantilevered pier on an existing breakwater (*See enclosed copy of 1995 permit and approved plan*).

- 2 On March 21, 1997, DES issued permit #97-00317 to maintenance dredge 40 cubic yards of sand (*See enclosed copy of the permit and approved plan*).
- 3 On July 10, 2000, a compliance inspection was conducted and the following deficiencies were documented:

a. In the docking area associated with the breakwater DES personnel found:

- (1) A finger dock with approximate dimensions of 2 feet 2 inches by 27 feet 1 inch was constructed on the landward side of the first permitted dock without a permit from DES;
- (2) A second finger dock with approximate dimensions of 1 foot 8 inches by 22 feet was constructed between the first and second permitted docks without a permit from DES; and
- (3) A 16 foot by 8 foot deck was constructed on top of the breakwater.

b. In the docking area located to the West of the main docks DES personnel found:

- (1) A finger dock with approximate dimensions of 1 foot 5 inches by 29 feet 8 inches was constructed around two tie-off pilings without a permit from DES; and
- (2) A finger dock with approximate dimensions of 1 foot 5 inches by 29 feet 4 inches was constructed around two tie-off pilings without a permit from DES; and
- (3) A walkway with approximate dimensions of 2 feet 7 inches by 11 feet 7 inches was constructed over water connecting the 30 foot by 4 foot permitted dock with the 1 foot 5 inch by 29 foot 8 inch finger dock; and
- (4) A deck with approximate dimensions of 11 feet 11 inches by 10 feet was located on shore. This deck was to be removed as part of the conditions for permit # 95-00315 (*Refer to the enclosed permit and approved plan*).

In response to the deficiencies listed, you are requested to take the following actions within 60 days:

In the main docking area associated with the breakwater:

- a. Completely remove the 2 feet 2 inches by 27 feet 1 inch finger dock and all associated supports located on the landward side of the first permitted dock; and
- b. Remove the 1 foot 8 inches by 22 feet of decking of the finger dock located between the first and second permitted dock; and
- c. Completely remove the 16 foot by 8 foot deck constructed on top of the breakwater.

2. In the docking area located to the West of the main docks

- a. Completely remove the decking from both of the finger docks located on either side of the 30 foot by 4 foot permitted dock, the four tie-off piles may remain as permitted structures according to permit # 95-00315;
- b. Completely remove the 2 foot 7 inch by 11 foot 7 inch walkway connecting the 30 foot by 4 foot permitted dock with the westward finger dock; and
- c. Completely remove the 11 feet 11 inches by 10 feet deck and all associated walkways located on shore next to this docking area.

Please refer to the enclosed copy of the July 10, 2000 DES site inspection plan for clarification of the structures to be removed. For clarification, the structures DES requests be removed have been highlighted.

The requested actions should be completed by October 1, 2002. Please submit a cover letter and photographs detailing the removal of the unpermitted structures along with an "as built" plan by October 15, 2002.

RSA 482-A, the New Hampshire Wetlands law, was enacted to protect and preserve wetlands and surface waters from unregulated despoliation. Prior to dredging, filling, or construction in

and adjacent to wetlands or surface waters, an individual is required to obtain a permit. If work is done without a permit, this is considered a violation of RSA 482-A. Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party.

DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 482-A will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against your property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Jeffrey Blecharczyk  
Shoreline Investigator  
Department of Environmental Services  
6 Hazen Drive  
PO Box 95  
Concord, NH 03302-0095

Should you have any questions regarding this letter, or wish to arrange a meeting, please contact me at (603) 271-2147.

Sincerely,

**COPY**

Mary Ann Tilton  
Senior Enforcement Officer  
Wetlands Bureau

CERTIFIED MAIL: 7099 3400 0003 0688 9866

cc: Rene Pelletier, Manager, Land Resources Management Program  
Gretchen Rule, Administrator, DES Legal Unit  
Mark Harbaugh, DES Enforcement Attorney  
Laconia Conservation Commission  
Laconia Board of Selectmen  
David Killoy, USACOE